

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DILLONGER J. MAJORS,

Plaintiff,

v.

JACOB REEVES, et al.,

Defendants.

No. 1:24-CV-00233 SNLJ

MEMORANDUM AND ORDER

Before the Court is plaintiff Dillonger Majors' handwritten amended complaint, handwritten motion to proceed in forma pauperis, motion for extension of time to file his amended complaint on a Court-provided form in compliance with the January 8, 2025 Memorandum and Order and motion for appointment of counsel. [ECF Nos. 3-7].

The Court, on January 8, 2025, told plaintiff Majors that he either needed to submit his motion to proceed in forma pauperis on a Court-provided form, or pay the \$405 filing fee. [ECF No. 2]. Additionally, plaintiff was told that if he filed a motion to proceed in forma pauperis, he must also file a certified copy of his prison account statement for the six-month period immediately preceding the filing of the complaint. *See* 28 U.S.C. § 1915(a)(2). *See id.*

The Court will deny, without prejudice, plaintiff's handwritten motion to proceed in forma pauperis, as it does not contain all the information required on the Court-provided form. If plaintiff wishes to proceed in forma pauperis, he must fill out the Court-provided form previously provided to him. Plaintiff will be given twenty-one (21) days from the date of this Order to file his motion to proceed in forma pauperis and the certified copy of his prison account statement. Plaintiff's failure to either pay the full filing fee of \$405 or file the motion to proceed in forma pauperis on a

Court form, as well as a certified copy of his prison account statement, will result in a dismissal of this case, without prejudice.

Plaintiff will also be given an additional twenty-one (21) days to file his amended complaint on a Court-form, in compliance with the Court's instructions as set forth in the January 8, 2025 Memorandum and Order. Plaintiff's failure to do so will result in a dismissal of his action, without prejudice.¹

Last, the Court will deny plaintiff's motion for appointment of counsel. In civil cases, a pro se litigant does not have a constitutional or statutory right to appointed counsel. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). *See also Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998) (stating that "[a] pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case"). Rather, a district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim...and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. Plaintiff has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case appear to be

¹Plaintiff's handwritten complaint filed on January 10, 2025, *see* ECF No. 3, does not comply with the instructions set forth in the January 8, 2025 Memorandum and Order.

complex. The Court will entertain future motions for appointment of counsel as the case progresses.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's handwritten motion to proceed in forma pauperis [ECF No. 4] is **DENIED without prejudice**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [ECF No. 5] is **DENIED at this time**.

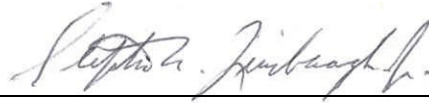
IT IS FURTHER ORDERED that plaintiff's motion for extension of time to file his amended complaint on a Court-provided form, as well as to file his motion to proceed in forma pauperis on a Court form and accompanying certified account statement, [ECF No. 7] is **GRANTED**.

IT IS FURTHER ORDERED that, within twenty-one (21) days of the date of this Order, plaintiff shall file an amended complaint on the Court's Prisoner Civil Rights Complaint form in compliance with the Court's instructions in the January 8, 2025 Memorandum and Order.

IT IS FURTHER ORDERED that, within twenty-one (21) days of the date of this Order, plaintiff shall either pay the \$405 filing fee or submit a motion to proceed in forma pauperis on the Court-provided form. If plaintiff files a motion to proceed in forma pauperis, he shall also submit a certified copy of his inmate account statement for the six-month period immediately preceding the filing of the complaint.

IT IS FURTHER ORDERED that plaintiff's failure to timely comply with this Order may result in the dismissal of this action, without prejudice.

Dated this 16th day of January, 2025.

A handwritten signature in black ink, reading "Stephen N. Limbaugh, Jr.", is positioned above a horizontal line.

STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE